

## Attachment B

Several component exhibits follow

“Exhibit A” below\* presents records that were obtained for docket 11-71 by a request and order of Judge Sippel to Warren Havens to obtain these materials (and at Havens’s cost).

The records were were, according to Mobex’s officers, including the CEO of MCLM, evidence central to “issue g” under the OSC-HDO FCC 11-64 (regarding construction and operation of the subject stations and licenses) that governed proceeding 11-71 in its first “issue-g” stage.

As shown in the records of proceeding 11-71, after obtaining these records — close to 100 boxes— and having them professionally scanned to computer files, at high cost (in the high 5-figures, and greater including indirect costs) and offering this extensive critical evidence to the Judge and the Enforcement Bureau— they would not respond and arrange to take this evidence. —

I am not aware of the reasons why. 1/ This evidence, and these reasons, will be useful in this 11-71 proceeding and in any proceeding on this proceeding.1/

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1/ I am aware of MCLM’s later admission that the vast majority of these stations automatically terminated long before the date of the admission, contrary to MCLM’s position keeping 11-71 open and very active for years and seeking to trade in these dead stations in settlement deals supported by the Enforcement Bureau, which I opposed for good causes shown (one of which the Judge accepted, but did not have to accept, as it caused “delay”- more proceedings).

I am also aware of the subsequent Order 15M-14 by Judge Sippel (a) attributing to my counsel and me improper conduct causing delay etc., but attributing nothing improper (i) to MCLM and its counsel, or (ii) to the handling of this proceeding by the Judge and the EB, which, after the settlement attempts EB sponsored failed, took up the case for MCLM, and (b) citing to a rule that did not exist by adding words to the end of §1.251(f)(3) (as to qualifications - “to hold Commission licenses”) to turn a proceeding-control rule, to an ultra vires threat with obvious improper ramifications likely, that have taken place and continue.

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\* This “Exhibit A” was assembled for another proceeding, shown below, but concerns proceeding 11-71. It is used here to including show its location on ULS.

## Exhibit A

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This exhibit relates to the MCLM-Mobex records alleged in discovery in this case as responsive to Plaintiff's document request for documents that show the alleged construction and operation of its AMTS licensed stations. ("MCLM-Mobex" means both MCLM and Mobex.)

MCLM-Mobex alleged that the only records it had of station construction and operation up to the time Mobex sold the subject licenses, physical stations, and associated business to MCLM was in 101 boxes (8 of which it cannot or will not account for, but *6 of which were removed after the sale to MCLM*) that it alleged were placed in storage at the Nations Capital Archives Storage Systems (or "Nations Capital Archive")[\*] with no copies retained by the Seller Mobex or Buyer MCLM (John Reardon was CEO of Mobex and became CEO of MCLM in connection with that sale). See *Exhibit 2* above as to relevant FCC rules.

As previously reported by Petitioners to the FCC (including in the hearing under the HDO, FCC 11-64, docket 11-71) the MCLM bankruptcy court Ordered that these boxes of records at NCASS be preserved. That is taking place at this time, August 2012.

Arrows in margins are added in the attachments below.

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[\*] MCLM-Mobex statements in this regard are in FCC records. This exhibit has two parts:

Part 1: A copy can be confirmed in FCC records at the following links (in the FCC ECFS system, under docket 11-71):

[http://apps.fcc.gov/ecfs/comment\\_search/execute  
proceeding=11-71&sortColumn=dateDisseminated&sortDirection=DESC](http://apps.fcc.gov/ecfs/comment_search/execute?proceeding=11-71&sortColumn=dateDisseminated&sortDirection=DESC)

At the resulting web page, see the filing by W. Havens of 7-30-2012.

A direct link to this is here:

[http://apps.fcc.gov/ecfs/document/view;  
jsessionid=Lfj1Qy6GLDLxShB1Jgp0WDGp1V1pncNjKDsSp0jcSYGt19tSHQVr!-856245186!973241960?  
id=7021996236](http://apps.fcc.gov/ecfs/document/view;jsessionid=Lfj1Qy6GLDLxShB1Jgp0WDGp1V1pncNjKDsSp0jcSYGt19tSHQVr!-856245186!973241960?id=7021996236)

Part 2: A copy can be obtained in the FCC online ULS system under the Application file number on this document. A direct link to the Application is here. Under this link, to go the Admin tab, and then to the list of pleadings to find the pleading with the date of this item.

<http://wireless2.fcc.gov/UlsApp/ApplicationSearch/applMain.jsp?applID=6328473>

## Non-docketed Pleadings

 [Print Page](#)  [Help](#)

## Confirmation

Thank you for your submission. Please make a note of your confirmation number: **12683**.

The following information was submitted with this Pleading:

## Type of Pleading

Petition for Reconsideration

## Dates

Entered Date: 08/20/2012

## Filer Information

Havens, W  
Environmental et al  
2509 stuart st  
berkeley, CA 94705  
(510)841-2220  
jstobaugh@telesaurus.com

## Contact Information

## File Number(s)/Call Sign(s)

0003941632 File Number  
0003941633 File Number

## Attachment(s)

08/20/2012	Pleading	Petition for Reconsideration	PtRecon Maritel Order DA 12-1158.pdf
08/20/2012	Pleading	Attachment 1	Attachment 1 PtRecon Prior Order DA 12-537.pdf
08/20/2012	Pleading	Exhibit A	Exhibit A. MCLM alleges no records of its nationwide AMTS li

 [Submit Another Pleading](#)

 [Return to ULS](#)

FILED/ACCEPTED

JUL 30 2012

Federal Communications Commission  
Office of the Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
***	)	FRN: 0013587779

To: Marlene H. Dortch, Secretary  
Attention: Chief Administrative Law Judge Richard L. Sippel

Request of Warren Havens - Skytel-H  
to Appear at Prehearing Conference by Telephone<sup>1</sup>

Warren Havens for himself and the other undersigned "SkyTel-H" entities request permission to attend by telephone, as permitted at the last prehearing, the Prehearing Conference at the Commission at 10 AM on August 1, 2012 in the captioned proceeding. I am unable to attend the meeting in person since I am located in California and have other business commitments—in large part to this Hearing-- that prevent a trip to DC on such short notice: the other commitments include in large part daily actions in legal proceedings regarding Maritime: discovery and other actions of which bear directly upon this FCC Hearing: both issue (g) and all other issues. This includes ongoing provision of documents to the Enforcement Bureau under its Document Request directed to me ("EB DR"), and certain antenna-site investigation documentation, etc.

Among the documents SkyTel-H must produce under the EB DR are the 101 Boxes (8 apparently removed by Mobex-MCLM) of documents of Maritime site-based station records at the NCASS storage facility in Virginia.<sup>2</sup> These are being scanned, bates stamped, and otherwise

<sup>1</sup> I submit request this as promptly as I could. I received your July 25<sup>th</sup> Order by email noticing the prehearing later on Wednesday, but I had nonstop scheduled commitments until today, and also needed assistance from my office to prepare the Exhibits hereto (relevant as noted below).

<sup>2</sup> See Exhibits 1 and 2 hereto.

045  
LEAD

processed daily at this time by a bonded professional document processing company near DC under contract with SkyTel (at an estimated cost of over \$30,000 for the processing [approx. 250,000 pages] and several times that with legal and other costs).

As to these Boxes, I submitted a report to you at the start of June. The boxes of documents are currently being scanned and bates stamped by a bonded document processing company. There are about 250,000 pages. Even well staffed, this will take to the end of August to complete.<sup>3</sup> The documents will then be on a digital disc, and provided to the Bankruptcy Court in the Maritime case. SkyTel will then seek relevant documents in the bankruptcy case, and to fulfill the document demand from the Enforcement Bureau -- *who may also directly seek the documents, if the Bureau seeks to expedite obtaining, and be more sure to obtain, all the relevant documents for this Hearing.* I have suggested that to the Bureau.

The two Exhibits hereto further report on this matter of the Boxes of documents of the Maritime site-based stations and licenses. *These reflect the serious issues involving these Boxes, including whether Maritime and its principals and attorneys have breached fundamental legal obligations, and should thus suffer ramifications thereof. The two Exhibits hereto reflect this.* This is presented here, in the request to attend by phone, to reflect the major difficulties that Maritime and its attorneys has interposed, for years, in keeping the evidence in these boxes from

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<sup>3</sup> There were third-party delays in getting this job commenced, including the storage company not agreeing for some time to release the Boxes, and the document-processing candidate companies need to visit and inspect, and to shop for and get performance-security bonds, the negotiate statements of work, etc. In any case, the work is now proceeding.

*SkyTel does not believe it is in the realm of possibility-- or legality-- that Maritime-Reardon do not have the originals or copies of all of the documents. No buyer of assets, and no CEO (especially an attorney) can not keep the documents of its core assets (here, the FCC licenses and stations) for which the company was founded, and that are allegedly being operated nationwide for Commercial Mobile Radio Service businesses. Maritime alleged that before the FCC for years (only recently, in this Hearing, has it commenced to admit otherwise). See Exhibits 1 and 2 hereto.*

use in FCC legal proceedings, now including this Hearing. Only SkyTel has acted to find and now pay all cost to preserve digitally (and bates stamp, etc.) these documents.

I cannot both continue this work, and fly to DC and back, for the prehearing. In addition, the cost of this hidden-Boxes work noted above is a small fraction of the costs of the FCC and other litigation which went into the SkyTel petitions that are cited in and largely responsible for FCC 11-64, the Hearing Designation Order in the instant Hearing. SkyTel entities are small companies and should not have to bear cost to fly to DC when participation by phone (which worked well, in past prehearings) is far more cost efficient, and saves days of time already in large part committed to matters of this Hearing.

In the past, you (the ALJ) have permitted me to participate in prehearing conferences and status conferences on behalf of the Skytel-H entities via telephone. I believe my participation in the prehearing conferences was beneficial, and the procedure was effective (not disruptive of the in-person meeting process, etc.).

In the upcoming prehearing, if you so direct or allow, I can provide status updates as to:

- (i) The 101 Boxes matter indicated above,
- (ii) the MCLM bankruptcy proceeding, in which SkyTel is the most active non-Debtor (non-Maritime) party, including regarding the Maritime Chapter 11 plan's core component—its "Second Thursday"-relief plan elements, and SkyTel opposition thereto,
- (iii) the Skytel v. Maritime-Mobex (et al.) antitrust litigation proceeding (US District Court, New Jersey), including discovery going on, some relevant to this Hearing (and the case ultimately is also relevant, under 47 USC §313: revocation by the court of FCC licenses of licensees, if found to have violated antitrust law),
- (iv) Skytel-H's pending motions in the subject hearing,

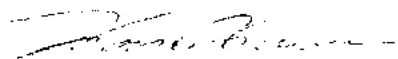
(v) and other developments.

SkyTel has 10 years of history of challenging Maritime and its predecessors and real persons in control. SkyTel has attempted to pass on to the Enforcement Bureau relevant information (as has provided all of the documents it demanded, and is supplementing these as more become available): but the Bureau has limited resources to review and digest these, and relate these to applicable law (inking Part 80 rules and Orders relevant to issue (g)).

Thus, in this Hearing, the SkyTel-H participation is important to add to that of the Bureau, and to provide a check against the assertions and actions of Maritime. In addition, SkyTel-H entities are parties in this case and seek ongoing participation rights.

For the above reasons, I request permission to attend by telephone conference arrangement. I will of course pay for the cost to call in.

Respectfully submitted, July 27, 2012



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Warren Havens

Individually and as President of each of the other SkyTel-H entities: Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, and V2G LLC

2509 Stuart Street, Berkeley CA 94705

Phone: 510-841-2220

Email: [warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)

Exhibits 1 and 2 are attached:  
Emailed copies have the Exhibits as separate uploads.



Certificate of Service

I, Warren Havens, certify that I have, on this 27<sup>th</sup> day of July 2012, caused to be served by placing into the USPS mail system with first-class postage affixed, unless otherwise noted, a copy of the foregoing filing to the following:<sup>4</sup>

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Robert J. Keller  
Law Offices of Robert J. Keller, P.C.  
P.O. Box 33428  
Washington, DC 20033

Robert J. Miller, Esquire  
Gardere Wynne Sewell LLP  
1601 Elm Street, Suite 3000  
Dallas, TX 75201

Robert M. Gurss, Esquire  
Paul J. Feldman, Esquire  
Harry F. Cole, Esquire  
Christine Goepp, Esquire  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N Street, 11<sup>th</sup> Floor  
Arlington, VA 22208

Kurt E. Desoto, Esquire  
Joshua S. Turner  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, DC 20006

Pamela A. Kane, Deputy Chief  
Brian Carter  
Investigations and Hearing Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, DC 20554

Jack Richards, Esquire

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<sup>4</sup> The mailed copy being placed into a USPS drop-box today may be after business hours, and therefore, not be processed by the USPS until the next business day.

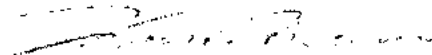
Wesley K. Wright, Esquire  
Keller and Heckman LLP  
1001 G Street, N.W.  
Suite 500 West  
Washington, DC 20001

Albert J. Catalano, Esquire  
Matthew J. Plache, Esquire  
Catalano & Plache, PLLC  
3221 M Street, N.W.  
Washington, DC 20007

Charles A. Zdebski, Esquire  
Eric J. Schwalb, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
1717 Pennsylvania Avenue, N.W.  
Washington, DC 20006

Jeffrey L. Sheldon, Esquire  
Fish & Richardson, P.C.  
1425 K Street, N.W.  
11<sup>th</sup> Floor  
Washington, DC 20005

Robert H. Jackson, Esquire  
Marashlian & Donahue, LLC  
1420 Spring Hill Road – Suite 401  
McLean, VA 22102



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Warren Havens

# NATION'S CAPITAL ARCHIVES

Facsimile Transmission Information

Date

5/22/12

TO: Mr./Mrs.

Tonda Richards, Esq.

Company

WBH BK, B.C.

FROM:

WilmaTotal number of pages, including the cover letter: 14

IF you do not receive all the pages, please contact the person named above on the telephone numbers (202)529-500, (703)551-4944.

## SPECIAL INSTRUCTIONS/MESSAGE:

Documents requested as follows:

- 1) Copy of Archives Agreement with Rules Schedule A
- 2) Identification Card (copy)
- 3) Current Rules Schedule for all clients  
effective June 15, 2007
- 4) Financial Report
- 5) Statement of Account

FACSIMILE: (703)551-4947



CORPORATE OFFICE  
ALEXANDRIA DEPOT  
PR. WILLIAM DEPOT

14811 FARM CREEK DR	WOODBIDGE VA	22191	202-529-5000
405 FANNON STREET	ALEXANDRIA VA	22301	703-706-5700
14498 TELEGRAPH RD	WOODBIDGE VA	22192	703-221-9100

**ARCHIVE DEPOSITORY AGREEMENT**

**Depositor:** Mobex Communications, Inc.  
Acct. No. 20130

**Address:** 1150 18th Street, N.W., Ste. 250  
Washington D.C. 20036

**Effective Date:** July 18, 2000

1. **TERM**

The original term of this agreement shall be from the date first herein above stated until Sept. 30, 2001. Thereafter, this agreement shall automatically renew for successive terms of one year until either party cancels it by giving the other written notice at least sixty (60) days prior to the intended cancellation date.

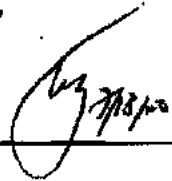
2. **ARCHIVAL SERVICES**

NCA will assist Depositor in the assessment of archival needs and preparation and inventory of client deposits for archival storage. NCA will supply standard archive containers, pick up the records and establish a computerized inventory. Depositor shall be provided with an inventory of deposits, updated quarterly. Depositor may have access to deposits at the archive facility during normal business hours. Upon written or telephone request, NCA will deliver one or more archive containers to Depositor within one (1) business day.

Upon written instructions from the Depositor, NCA will destroy deposits and provide certification thereof. Depositor agrees to hold NCA harmless from any liability by reason of destruction of such deposits pursuant to such authorization.

3. **DEPOSITS**

NCA shall protect the confidentiality of all deposits and will not reveal or permit the contents of such deposits to be revealed to anyone without prior written consent of the Depositor. Unless otherwise directed in writing, deposits shall be delivered only to Depositor's authorized representatives, as evidenced by signatory cards on file with NCA. Depositor agrees not to store narcotics, explosives, hazardous or other illegal material.



4. **RATES AND PAYMENT**

Depositor agrees to pay NCA for its storage services hereunder at the rates set forth in Schedule A. Archival storage rates shall apply for the original term of this agreement. For renewal terms, notice of any change in the archive storage rates shall be supplied in writing not less than forty five (45) days prior to the renewal date. Rates for all other services may be changed, from time to time, upon not less than thirty (30) days prior written notice to Depositor.

5. **LIABILITIES**

NCA shall not be liable for damage due to gradual deterioration, acts of God or the public enemy, labor disputes, riots or any cause beyond its control.

The liability of NCA to Depositor shall be limited to damage or loss caused by its own negligence in amounts not to exceed the following: \$0.50 per cu. ft. of films, \$15.00 per computer tape and \$400.00 per computer disk pack.

Any claims against NCA must be made in writing and delivered to NCA by registered or certified mail not later than ten (10) days after discovery of loss or return of deposits to Depositor, whichever shall first occur.

6. **RULES; LATE PAYMENTS; NON-PAYMENT**

Depositor agrees to comply with all rules and regulations of NCA for the safety, care and management of the deposits and NCA archival facilities.

Charges due NCA and remaining unpaid more than thirty (30) days shall be subject to a late charge of 2.0% of amounts due for each 30 day period such charges shall remain unpaid. If the Depositor fails to pay NCA charges for a period of thirty (30) days or more, NCA may, after giving ten (10) days notice by registered or certified mail, at its option:

(a) redeliver deposits to Depositor or (b) refuse access to deposits.

NCA shall have a lien on all deposits of Depositor for uncollected charges. Any expenses incurred in the cost of collecting arrears, including reasonable attorney's fees, shall be added to arrears. Nothing herein shall preclude NCA from recourses to any other remedies provided by law.



**7. ADDRESS OF DEPOSITOR**

All notices and redeliveries of deposits hereunder shall be to the authorized representatives of Depositor at the address of Depositor hereinabove set forth, unless special instruction or notice of change of address is received in writing by NCA.

**8. AMENDMENT; BINDING ON SUCCESSORS**

This agreement may not be amended other than by instrument in writing executed by both parties, and is binding on the heirs, personal representatives, successors and assigns of the respective parties.

**MOBEX COMMUNICATIONS, INC.****NATION'S CAPITAL  
ARCHIVES**

By

By  7/16/00



**RATES SCHEDULE A****Acct. No. 20130**

Storage fee per cu. ft. per mo.-----\$0.25\*

(Storage fees are billed on a quarterly basis  
in advance.)

One-time entry fee per box----- \$ 1.75

(This one-time entry charge per new box is inclusive of the  
provision of pick up and moving service of all packed boxes  
coming first time to storage, bar code labels, shelving and  
data entry for the computerized inventory reporting system.)

Supply of one cu. ft. empty box-----\$2.00 ea.

(with free delivery service per order)

**SERVICE RATES**

Regular retrieval or refile fee per item - - - - - \$ 2.00

Priority retrieval fee per item - - - - - \$ 3.00  
(guaranteed 2 -hour service from time of call)

PM retrieval fee per item - - - - - \$ 2.00

Regular pick up/ delivery service (next-day)

first box - - - - - \$ 8.50

each additional box, same trip - - - - - \$ 2.00

Priority delivery service, guaranteed two hour service, same day, during  
business hours

first box - - - - - \$ 25.00

each additional box, same trip - - - - - \$ 3.00

PM delivery service, call received before 11:00 AM, will be delivered the  
same day

first box - - - - - \$ 13.50

each additional box, same trip - - - - - \$ 2.00

*Handwritten signature/initials*

Evening or weekend access ----- \$ 60.00  
Master file index (optional) ----- --\$ 0.35/ line  
Archival Services (optional) ----- --\$ 30.00/manhour  
Termination fee per box ----- --\$ 3.00\*\*

\*There is a minimum storage fee of \$ 10 per month or \$ 30 per quarter.

\*\*Termination fees plus all other invoices outstanding on the account  
must be paid prior to release of any and all boxes for terminating  
or closing accounts.

*6/7/12/12*





**RATES FOR DESTRUCTION****A. Destruction for non-confidential materials by dumping only**

retrieval fee from shelf to include updating computerized  
inventory report for client ----- \$ 2.00/ box

dumping fee (billed by county dump-site) -- \$ 17.00/ton  
(1 to 2000 lbs., one box of files weighs  
approximate 35-40 pounds each)

delivery fee to dump site----- \$ 55.00/hour  
(includes 2 men and truck)

**B. Destruction of confidential materials by shredding on-site at  
Nation's Capital Facility (Unlike other storage centers, Nation's  
Capital do in fact shred materials on-site with its own equipment  
and by its own personnel.)**

retrieval fee from shelf to include updating client's  
computerized inventory report ----- \$ 2.00/box

shredding fee ----- \$ 0.22/lb.  
(Materials are actually weighed prior to shredding. Each  
box of files weighs approximately 35-40 lbs. each.)

*Handwritten signature and date: 7/18/00*



**IDENTIFICATION CARD**

To: **NATION'S CAPITAL ARCHIVES & STORAGE CENTER**  
2010 Fenwick Street, N.E.  
Washington, D.C. 20002

Gentlemen:

You will please make delivery of items stored on the order of any one or more of the undersigned persons, or that of their accredited successors or assigns.

Mobex Communications, Inc. (Acct. 20130) 7/18/00

Depositor's Name

Date

Signature

*David M. Fredman*

Signature

*John R. Smith*

Signature

Signature

# NATION'S CAPITAL ARCHIVES

## ARCHIVAL SYSTEM

### New Service Rate Schedule As of June 15, 2007

Retrieval:	<u>First Item</u>	<u>Ea. Add. Item</u>
Standard (for delivery next a.m.)	4.00	4.00
Same Day (call by 11:00 a.m.); delivery by 3:30 p.m.)	4.00	4.00
Express (first priority delivery)	6.00	6.00
Evening, weekend, holiday delivery	6.00	6.00
Delivery:		
Standard	13.00	4.00
Same Day	17.00	4.00
Express	45.00	6.00
Evening, weekend, holiday delivery	75.00	6.00
Rcfile Fee	4.00	4.00
Archival Services (packing, inventorying, searching, copying, faxing, warehouse handling, etc.) per quarter hour	10.00	
Supply of Empty Boxes	2.75 each with free delivery service	
Storage Fee	0.27/cu. ft. per month (billed quarterly)*	
Entry Fee per box	3.00	
Termination Fee per box	4.00	
Fuel Surcharge	2.00 flat fee per trip	

Note: Each standard NCA archival box is treated simply as 1 cu. ft. each, not 1.2 cu. ft.

\* Minimum storage fee is \$20 per month or \$60 per quarter.



<b>CORPORATE OFFICE</b>	14811 FARM CREEK DR	WOODBIDGE VA	22191	202-529-5000
<b>ALEXANDRIA DEPOT</b>	405 FANNON STREET	ALEXANDRIA VA	22301	703-706-5700
<b>PR. WILLIAM DEPOT</b>	14498 TELEGRAPH RD	WOODBIDGE VA	22192	703-221-9100

## NATION'S CAPITAL ARCHIVES

### RATES FOR DESTRUCTION

#### A. Destruction for non-confidential materials by dumping only:

retrieval fee from shelf to include updating computerized  
inventory report for client ----- \$4.00/ box

dumping fee (billed by County dump site) ----- \$47.00/ton  
(1 ton = 2000 lbs., one box of files weighs approximately  
35-40 pounds each)

delivery fee to dump site ----- \$70.00/hour  
(includes 2 men and truck)

#### B. Destruction of confidential materials by shredding on-site at Nation's Capital Facility (Unlike other storage centers, Nation's Capital do in fact shred materials on-site at its facility). A Certificate of Destruction is issued upon completion of the shredding process.

retrieval fee from shelf to include updating computerized  
inventory report for client ----- \$4.00/box

shredding fee ----- \$0.22/lb.  
(Materials are actually weighed prior to shredding. Each  
box of files weighs approximately 35-40 lbs. each.)



CORPORATE OFFICE	14811 FARM CREEK DR	WOODBIDGE VA	22191	202-529-5000
ALEXANDRIA DEPOT	405 FANNON STREET	ALEXANDRIA VA	22301	703-706-5700
PR. WILLIAM DEPOT	14498 TELEGRAPH RD	WOODBIDGE VA	22192	703-221-9100

DATE: 05/09/12

NATION'S CAPITAL ARCHIVES

Page No. 1

14811 Farm Creek Drive  
 (202) 529-5000 ; (703) 551-4944  
 Fax No. (703) 551-4947  
 e-mail: info@nationscapitalarchives.net

Account No. 20130  
 Mobex Network Services, LLC  
 Attn: Accounting  
 6200 Hwy 62 East, Bldg 2501, #  
 Alexandria, VA 22314

*Date taken  
 out. Box is  
 not in storage.*

REFERENCE	Vol.	Locator	Code	DESCRIPTION	Inv. #	E Date	Code	D Date	Chr.
00001	1	975-002-023		GEOTECK, MOBEX SMR LEASES, GEMM COMMUNICATIONS, NEXTEL.	21494	07/24/00			
00002	1	956-004-062		IDAHO COMMUNICATIONS	21494	07/24/00			
00003	1	942-005-007		IDAHO COMMUNICATIONS	21494	07/24/00			
00004	1	956-003-051		IDAHO COMMUNICATIONS	21494	07/24/00			
00005	1	811-002-058		CPOC PROFESSIONAL - SKITRONICS	21494	07/24/00			
00006	1	956-003-050		IDAHO COMMUNICATIONS	21494	07/24/00			
00007	1	942-004-016		IDAHO COMMUNICATIONS, MID-TEXAS	21494	07/24/00			
00008	1	956-003-051		IDAHO COMMUNICATIONS, MID-TEXAS	21494	07/24/00			
00009	1	975-002-027		CPOC PROFESSIONAL - SKITRONICS	21494	07/24/00			
00010	1	974-007-005		DUE DILIGENCE INFORMATION	21494	07/24/00			
00011	1	974-007-024		EAST TEXAS, UMN TRANSACTION FILES	21494	07/24/00			
00012	1	975-002-028		PCS, SMR DIRECT, UPPER 200 CHANNEL AUCTION FOR 800MHZ, GEM BACKGROUND INFO.	21494	07/24/00			
00013	1	975-002-027		NEXTEL II	21494	07/24/00			
00014	1	975-002-026		NEXTEL I	21494	07/24/00			
00015	1	975-002-030		GEOTEK, UMN TEXAS, GEM CLOSING	21494	07/24/00			
00016	1	947-004-057		STOCK INFO., ACQUISITIONS, MOBEX GEM., MISC.	21494	07/24/00			
00017	1	975-002-024		FCC LICENSE INFORMATION, AUDIT LETTERS 95-98, TRADEMARK INFORMATION	21494	07/24/00			
00018	1	974-007-024		CPOC MOBEX SOUTH CAROLINA WOODHAVEN	21494	07/24/00			
00019	1	974-007-004		ETCLP	21494	07/24/00			
00020	1	974-007-022		PAR WATT FILES, B & C YSK INSURANCE	21494	07/24/00			
00021	1	974-007-023		DOGWOOD, PAR WATT	21494	07/24/00			
00022	1	974-007-023		D & L	21494	07/24/00			01/27/06
00023	1	974-007-022		MOBEX SC, GEM. MOBEX 900, MOBEX NC	21494	07/24/00			
00024	1	945-004-011		CMI	21494	07/24/00			01/27/06
00025	1	975-002-026		MOBEX RADIO COMMUNICATIONS, DUE DILIGENCE	21494	07/24/00			
00026	1	974-007-023		MOBEX GEM., DOCKET STATUS	21494	07/24/00			
00027	1	975-002-030		CPOC, MOBEX FINOVA 97	21494	07/24/00			
00028	1	974-007-022		ETCLP	21494	07/24/00			
00029	1	975-002-021		CPOC MOBEX FINOVA 96 #3	21494	07/24/00			
00030	1	975-002-028		CPOC MOBEX FINOVA 96 #2	21494	07/24/00			
00031	1	975-002-036		CPOC D & L	21494	07/24/00			
00032	1	974-007-022		CPOC RILEY PROFESSIONAL SKITRONICS	21494	07/24/00			
00033	1	975-002-027		CPOC MOBEX AUTOPHONE	21494	07/24/00			
00034	1	974-007-022		MOBEX GEM - IDAHO	21494	07/24/00			
00035	1	975-002-024		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00036	1	975-002-024		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00037	1	975-002-026		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00038	1	975-002-030		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00039	1	975-002-027		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00040	1	975-002-025		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00041	1	975-002-021		CPOC MOBEX FINOVA 97 #2	21494	07/24/00			
00042	1	975-002-031		CPOC MOBEX CORRESPONDENCE, BLUE SKY FILES	21494	07/24/00			
00043	1	975-002-025		CPOC MOBEX COMMUNICATIONS	21494	07/24/00			
00044	1	974-007-023		MOBEX GEM	21494	07/24/00			
00045	1	975-002-025		EXTRA NEXTEL COPIES	21494	07/24/00			
00046	1	975-002-026		EXTRA NEXTEL COPIES	21494	07/24/00			
00047	1	975-002-026		EXTRA NEXTEL COPIES	21494	07/24/00			
00048	1	975-002-026		EXTRA NEXTEL COPIES	21494	07/24/00			
00049	1	975-002-023		EXTRA NEXTEL COPIES	21494	07/24/00			
00050	1	947-005-040		A THRU B&C - ACCOUNTS RECEIVABLE THRU B&C		05/22/01			
00051	1	947-004-042		B&C THRU CSN		05/22/01			
00052	1	947-003-071		CTA THRU DERRICK LUMBER		05/22/01			
00053	1	974-007-022		DEUTSCHE BANK THRU DUNNING, JEFF		05/22/01			
00054	1	974-007-022		FAA THRU INLAND COMMUNICATIONS		05/22/01			
00055	1	974-007-022		KENWOOD THRU NORTH CAROLINA LICENSES		05/22/01			
00056	1	974-007-023		ECA-T THRU RF RADIATION		05/22/01			

DATE: 05/09/12

NATION'S CAPITAL ARCHIVES

Page No. 2

14811 Farm Creek Drive  
 (202) 529-5000 ; (703) 551-4944  
 Fax No. (703) 551-4947  
 e-mail: info@nationscapitalarchives.net

Account No. 20130  
 Mobex Network Services, LLC  
 Attn: Accounting  
 6200 Hwy 62 East, Bldg 2501, #  
 Alexandria, VA 22314

REFERENCE	Vol.	Locator Code	DESCRIPTION	Inv. #	E Date	Code	D Date	Chr.
00057	1	974-007-024	P, S THRU U - PAGING THRU SURLES, JIMMIE		05/22/01			
00058	1	943-003-065	THRU US SUGAR HART-SCOTT & MISC. - FINANCIALS 92 WHITECLOUD THRU MOBEX WIDE-AREA SMR		05/22/01			
00059	1	964-002-058			12/26/01			
00060	1	964-004-123			12/26/01			
00061	1	964-003-062			12/26/01			
00062	1	964-003-113			12/26/01			
00063	1	964-004-028			12/26/01			
00064	1	944-002-037			12/26/01		09/27/04	
00065	1	944-002-024			12/26/01		09/27/04	
00066	1	962-004-054			12/26/01			
00067	1	964-002-058			12/26/01			
00068	1	964-003-042			12/26/01			
00069	1	964-004-029			12/26/01			
00070	1	947-004-043			12/26/01			
00071	1	964-004-026			12/26/01			
00072	1	964-003-041			12/26/01			
00073	1	964-005-136			12/26/01			
00074	1	962-002-013			12/26/01			
00075	1	962-003-012			12/26/01			
00076	1	962-001-013			12/26/01			
00077	1	964-004-123			12/26/01			
00078	1	962-003-022			12/26/01			
00079	1	964-002-085			12/26/01			
00080	1	962-002-010			12/26/01			
00081	1	962-005-026			12/26/01			
00082	1	943-002-053			12/26/01		01/31/06	
00083	1	955-003-108			12/26/01		01/31/06	
00084	1	962-001-013			12/26/01			
00085	1	947-005-063			12/26/01			
00086	1	955-005-067			12/26/01		01/31/06	
00087	1	964-004-026			12/26/01			
00088	1	964-004-095			12/26/01			
00089	1	962-002-026			08/09/02			
00090	1	964-003-041			09/25/03			
00091	1	962-001-013			09/25/03			
00092	1	947-005-042			09/25/03			
00093	1	962-002-010			09/25/03			
00094	1	962-003-028			09/25/03			
00095	1	962-003-026			09/25/03			
00096	1	962-002-010			09/25/03			
00097	1	962-004-017			10/17/03			
00098	1	947-004-055			10/17/03			
00099	1	947-004-043			10/17/03			
00100	1	944-002-041			10/17/03		01/27/06	
00101	1	947-004-051			07/21/04			

TOTAL FOR CUSTOMER: 101

**NATION'S CAPITAL ARCHIVES**

14811 Farm Creek Drive  
Woodbridge, VA 22191  
(202) 529-5000; (703) 551-4944  
Fax No. (703) 551-4947  
e-mail: [info@nationscapitalarchives.net](mailto:info@nationscapitalarchives.net)

**STATEMENT**

DATE : 05-09-12  
ACCOUNT No.: 20130  
Page 1 of 2

TO: Mobex Network Services, LLC  
Attn: Accounting Dept.  
6200 Hwy 62 East, Bldg. 2501, #875  
Jeffersonville, IN 47130

DATE	INVOICE NUMBER	Debit	Credit	BALANCE
06/12/08	113230 (Storage fee for the period 7/1-9/30/08)	80.19		80.19
09/12/08	115778 (Storage fee for the period 10/1-12/31/08)	80.19		160.38
12/12/08	118261 (Storage fee for the period 1/1-3/31/09)	80.19		240.57
03/12/09	120509 (Storage fee for the period 4/1-6/30/09)	80.19		320.76
06/12/09	121605 (Storage fee for the period 7/1-9/30/09)	80.19		400.95
09/14/09	130878 (Storage fee for the period 10/1-12/31/09)	80.19		481.14
12/14/09	131999 (Storage fee for the period 1/1-3/31/10)	80.19		561.33
03/12/10	134678 (Storage fee for the period 4/1-6/30/10)	80.19		641.52

06/14/10	138663	80.19	721.71
	(Storage fee for the period 7/1-9/30/10)		
09/14/10	140110	80.19	801.90
	(Storage fee for the period 10/1-12/31/10)		
12/14/10	141985	80.19	882.09
	(Storage fee for the period 1/1-3/31/11)		
03/14/11	143452	80.19	962.28
	(Storage fee for the period 4/1-6/30/11)		
06/14/11	145607	80.19	1,042.47
	(Storage fee for the period 7/1-9/30/11)		
09/14/11	148342	80.19	1,122.66
	(Storage fee for the period 10/1-12/31/11)		
12/14/11	149578	80.19	1,202.85
	(Storage fee for the period 1/1-3/31/12)		
03/14/12	151976	80.19	1,283.04
	(Storage fee for the period 4/1-6/30/12)		

)

<b>CURRENT</b>	30 DAYS	60 DAYS	90 DAYS	120 DAYS	Late Charge	<b>BALANCE</b>
				<b>1,283.04</b>	<b>868.90</b>	<b>2,151.94</b>



From: **Danny Ruhl** <druhl@cctb.com>

Date: Tue, Jul 24, 2012 at 4:08 PM

Subject: Re: (Maritime) NCASS Documents

To: Craig Geno <cmgeno@cmgenolaw.com>

Cc: Bill Leech <BLEech@cctb.com>, "Derek F. Meek" <DMEEK@burr.com>, John Reardon <xreardon@earthlink.net>

Craig:

I am following up on the below email and your initial response thereto. As discussed in much greater detail below, we again request the following prior to SkyTel incurring significant, additional expenses connected with the NCASS preservation:

1. Please identify which records at NCASS are relevant to the subject licenses and which are not, and let us know what MCLM (including Mr. Reardon for MCLM and/or Mobex) knows about the contents of the approximately 93 boxes stored at NCASS.
2. Please provide any indexes/directories/or the like that exist in connection with the NCASS documents.
3. Please let us know, in general terms that would not divulge any privileged information, what was in the removed boxes discussed below, why those boxes were removed, and where these boxes or their contents are now located.

Thanks.

Danny

**Danny E. Ruhl**

*Shareholder*

**COPELAND  
COOK  
TAYLOR &  
BUSH**

1076 Highland Colony Parkway  
Concourse 600, Suite 100  
Ridgeland, MS 39157  
P.O. Box 6020  
Ridgeland, MS 39158  
Direct dial (601) 427-1309

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**TAX MATTERS:** To the extent this email or any attachment hereto concerns tax matters, it is not intended or written to be used, and cannot be used by a taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under law.

On Thu, Jul 19, 2012 at 5:09 PM, Craig Geno <[cmgeno@cmgenolaw.com](mailto:cmgeno@cmgenolaw.com)> wrote:

Sorry Danny-I got a number of responses from my team on this while I had that stomach bug that you had-terrible (but effective) way to lose weight. Everything is kind of foggy from then, so let me see if I kept all the responses.

If I recall, I think the consensus was that maybe 20% of the boxes could be relevant but that was only an educated guess. I will need to verify that.

Craig

**From:** Danny Ruhl [<mailto:druhl@cctb.com>]  
**Sent:** Thursday, July 19, 2012 4:30 PM  
**To:** Craig Geno  
**Cc:** Bill Leech; Derek F. Meek  
**Subject:** (Maritime) NCASS Documents

Craig:

I emailed on July 10 that our client is working with NCASS and the copier to complete the preservation of the boxed documents per the bankruptcy court's preservation order, and is about to incur further, significant expense in doing so (of around \$40,000 or more, just to the bonded copier). I also stated that it was my understanding that MCLM has said to the FCC that the boxed documents are all relevant to the site-based AMTS licenses now held in MCLM's name, and that our client has requested that I contact you and ask that, if MCLM wishes to modify that in some way, it please do so now, prior to SkyTel incurring the aforementioned additional, significant expense. You responded by asking me if I could point you to where MCLM had said that.

I have discussed that with our client, and point you to the attached, which contains portions of an Opposition filed by MCLM with the FCC in connection with a SkyTel pleading, along with a related Declaration exhibited thereto. The Opposition states in part as follows (emphasis added): "In a rabid opposition to MCLM's Request for Extension of Time to file the instant Opposition, Havens blustered that the fact that MCLM does not possess **certain old documents [on MCLM (including predecessors) asserted construction and permanent operation of the licenses]** was

‘simply an admission of conspiracy between MCLM and Mobex to launder defective FCC license [sic] stations and the license. . . .’ Satisfied with the Mobex transaction, **MCLM had no need for detailed construction records of facilities first authorized a decade earlier and did not demand them from Mobex.** As demonstrated by the declaration of David Predmore attached hereto as Exhibit 1, Mobex wound up its affairs and ceased paying National Capital storage company the rent on stored records, including copies of site leases, equipment inventory, and other old information, which was all destroyed years ago by the storage company....” The Predmore Declaration states in part as follows (emphasis added): “5. After the sale of its assets [to MCLM, of its AMTS FCC licenses and related equipment], Mobex kept its voluminous records in storage with Nation's Capital Archives & Storage Systems Inc. in Virginia.... Nation's Capital Archives informed me it would destroy the records, including copies of the site leases, equipment inventory, etc.”

If what the foregoing meant was that only some, but not all or materially all, of the documents stored with NCASS (whether the 93 boxes that remain there to this day, or the 8 or so boxes discussed below that we understand were at some point removed) are relevant to the site-based AMTS licenses now held in MCLM's name, then we request that MCLM please confirm that and identify at this time which records at NCASS are relevant to the subject licenses and which are not, prior to SkyTel incurring the aforementioned additional, significant expense.

Indeed, our client has requested us to ask what MCLM (including Mr. Reardon for MCLM and/or Mobex) knows about the contents of the approximately 93 boxes stored at NCASS. In this regarding, I understand that, within a day or two of my aforementioned July 10 email, Mr. Keller reported to the FCC administrative law judge that there is little of relevance in those boxes as to the MCLM's AMTS licenses. That appears contrary to the prior statements that were made (including the statements set forth above which indicate the boxes contain “detailed construction records,” “copies of site leases,” and “equipment inventory,” and also more recent statements to the effect, as I understand it, that MCLM is not really sure what is in the boxes).

But, in any event, if MCLM's counsel, Mr. Keller, can now say that there is little of relevance in the boxes as to the licenses, we assume it is because he or someone with MCLM or Mobex must know or have a very good idea about what is in the boxes, and might have an index of the box contents, a file directory, or the like. Could you, therefore, please have MCLM describe what it knows and does not know about the contents of the NCASS boxes and related details? Also, if such indexes/directories/etc exist, could you please provide those? Of course, if MCLM asserts that any such box index or file directory contains confidential information, they could be produced under a protective order. And if MCLM asserts that any such box index or file directory contains privileged information, it could be redacted and noted in a privilege log for later treatment. Please check on this and let us know as soon as possible. Obtaining any indexes/directories/or the like soon is important to enable the preservation job to proceed efficiently and properly, as SkyTel could use the box indexes/file directories to direct the bonded copier to label the scanned documents in accord with the index/directory, and could also use the index/directory to avoid incurring what might otherwise be unneeded expenses.

4

We believe our client has a right to the above-requested information, before it goes to significant further expense in connection with its efforts to preserve the boxes pursuant to the bankruptcy court's preservation order, so it can elect not to go to further expense preserving a lot of documents that are not relevant. And, under the terms of the order, our client obviously cannot access or review the documents itself prior to preservation in order to determine what may need to be preserved.

On a related note, and as alluded to above, prior to SkyTel seeking the preservation order, NCASS identified 101 boxes Mobex placed in storage, and provided information demonstrating that, on the following dates, 8 of the boxes were removed and not returned: January 27, 2006; January 31, 2006; and September 27, 2004. Our client would like to know, in general terms that would not divulge any privileged information, what was in these removed boxes, why these boxes were removed, and where these boxes or their contents are now located. Would you please check on this and let me know as soon as possible?

Thanks,

Danny

**Danny E. Ruhl**

*Shareholder*

1076 Highland Colony Parkway  
Concourse 600, Suite 100  
Ridgeland, MS 39157

P.O. Box 6020

Ridgeland, MS 39158

Direct dial (601) 427-1309

These are relevant pages and an exhibit from the recent MCLM Opposition to Petition to Deny regarding the recent WRV374 Renewal Application. Underlining added. A complete copy of this MCLM Opposition is available in Commission records.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
MARITIME COMMUNICATIONS/ )  
LAND MOBILE, LLC )  
 ) File No. 0004738157  
Application for Renewal of the License for )  
Automated Maritime Telecommunications )  
System WRV374 )

To: Marlene K. Dortch, Secretary  
Attention: Chief, Wireless Telecommunications Bureau

**OPPOSITION TO PETITION TO DISMISS, PETITION TO DENY,  
OR IN THE ALTERNATIVE SECTION 1.41 REQUEST**

Maritime Communications/Land Mobile, LLC, by its attorneys, hereby files its Opposition (Opposition) to the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request filed in the above captioned matter by Warren Havens, Environmental LLC; Verde Systems, LLC, Intelligent Transportation & Monitoring Wireless LLC; Telesaurus Holdings GB LLC, V2G LLC, and Skybridge Spectrum Foundation (collectively, Havens). In support of its position, MCLM shows the following.

the contours in Havens' maps are based on the service contour adopted by the Commission for purposes of determining the co-channel protection to which site-based incumbents would be entitled from geographic licensees. Prior to the implementation of geographic licensing, the Commission's AMTS rules did not specify a service contour, and applicants were permitted to file applications, and demonstrate that the coverage requirement would be met on the reasonable service contour of their choice. We reject Havens' suggestion that site-based licenses that were granted on the basis of predicted service contours demonstrating adequate coverage should be retroactively be terminated based on the Commission's subsequent adoption (for a different purpose) of smaller service contour,"

Mobex Network Services, LLC, 22 FCC Rcd 665, 669 (WTB 2007). Accordingly, the Commission should dismiss or deny Haven's Petition insofar as it attempts to raise an argument concerning continuity of coverage again.

In a rabid opposition to MCLM's Request for Extension of Time to file the instant Opposition, Havens blustered that the fact that MCLM does not possess certain old documents was "simply an admission of conspiracy between MCLM and Mobex to launder defective FCC license [sic] stations and the license," FCC File No. 0004738157, filed July 22, 2011. Satisfied with the Mobex transaction, MCLM had no need for detailed construction records of facilities first authorized a decade earlier and did not demand them from Mobex. As demonstrated by the declaration of David Predmore attached hereto as Exhibit 1, Mobex wound up its affairs and ceased paying National Capital storage company the rent on stored records, including copies of site leases, equipment inventory, and other old information, which was all destroyed years ago by the storage company. Although Havens' claims concerning the initial construction of the facilities of station WRV374 are bound by res judicata or by time, MCLM provides, *infra*, the limited information that it has been able to find or obtain.

This is exhibit 1 to the above MCLM Opposition.  
Underlining added.

# EXHIBIT 1

## DECLARATION

I, David Predmore, state and declare as follows:

1. I am an honorably discharged former member of the US Navy; and a graduate of Georgetown University Law School, where I received my Juris Doctor degree in 2001.
2. I served for six years as Law Clerk, Associate Counsel, General Counsel, and finally Chief Administrative Officer, of Mobex Communications, Inc. ("MComm") and its related subsidiaries, including AMTS licensee Mobex Network Services, LLC ("Mobex"). My service began in 2000 and ended with the dissolution of the companies after substantially all assets were sold in 2006.
3. During 2005, Mobex entered into an asset purchase agreement with Maritime Communications/Land Mobile, LLC ("MCLM"). The FCC approved that sale in November 2005 and the transaction closed on December 30, 2005. I remained with Mobex for the first several months of 2006 in order to wind up its affairs, including paying creditors and others from the sale proceeds, dissolving the legal entities, etc.
4. In March 2006, I began employment for the National Rural Electric Cooperative Association as an attorney in its Arlington, VA headquarters.
5. After the sale of its assets, Mobex kept its voluminous records in storage with Nation's Capital Archives & Storage Systems Inc. in Virginia. After the company was wound up and dissolved, there was no corporate entity to pay the monthly storage fees, and Nation's Capital Archives informed me it would destroy the company records, including copies of site leases, equipment inventory, etc.
6. During my tenure at Mobex, the company paid approximately \$75,000 each month in site rental costs for the incumbent license sites, which include the East Coast license, WRV374.
7. Mobex was a professional, well-run organization, with a minority investment from Nextel, and a Board consisting of active, engaged members. MComm, the parent company, had over 100 shareholders, all separate and entirely apart from MCLM. Mobex had purchased WRV374 in the year 2000, as part of its acquisition of the Membership Interests of Regionet Wireless License Company, LLC ("Regionet") from the owners Paul vander Heyden and Fred Daniels. In 2002, Mobex was formed by the merger of wholly-owned subsidiaries of MComm known as Regionet and Waterway Communications, Inc. ("Watercom").
8. John Reardon served as President and CEO of MComm, and its subsidiaries, including Mobex, from January 2001 through December 31, 2005. Once the sale was completed at the end of December 2005, MComm made its final payroll to Mr. Reardon and he began employment on January 1, 2006 with MCLM, LLC, the buyer of Mobex's AMTS licenses.
9. Throughout the period of 2005, Mr. Reardon assisted Mobex with the sale of its assets, including the AMTS sale to MCLM. He remained at all times a




MComm employee, and at the MComm Board's direction, he assisted MCLM officials with any due diligence items or similar customary transition assistance. He also assisted MCLM, with MComm Board approval, in the August 2005 auction of white space licenses. The MComm Board determined it to be in Mobex's best interest for MCLM to acquire white space licenses, so that MCLM would remain interested in consummating the purchase of Mobex's incumbent licenses in the AMTS band.

10. The incumbent operations of Mobex were completely constructed, using a mixture of LTR format equipment on the East Coast and Great Lakes, Watercom waterway equipment in the Mississippi River areas, and MPT 1327 equipment on the West Coast.
11. Mobex entered an agreement with Motorola in the 2002 timeframe to transition four markets from LTR format to Motorola's new PassPort radio format, using the Trident NTS digital controller and an analog air interface. Those four markets were: Chicago, New York, Philadelphia, and Washington, DC/Baltimore.
12. Mobex had a dedicated PassPort sales team, and deployed dealer networks in the other LTR format markets. Much of Mobex's sales success resulted from its Watercom operation, since cellular was increasingly popular and two way radio PassPort systems were cumbersome and relatively more expensive than Nextel's iDEN digital phones, for example.
13. When Mobex sold its AMTS licenses to MCLM, MCLM assumed the leases from Mobex. Mobex paid those leases for third party site rents current through the sales date, i.e December 31, 2005.
14. Mobex entered a management agreement with Central Communications Network, Inc. ("CCN") whereby the LTR equipment in place in Orlando and Tampa/St. Petersburg/Clearwater markets was replaced at CCN's expense with Motorola PassPort systems. That PassPort system was a 14 site system, stretching from Tampa Bay across central Florida to the Atlantic Coast.
15. Mobex entered a lease agreement with Pinnacle Wireless to lease channels to Pinnacle for construction of a Motorola PassPort system covering almost all of New Jersey; this system is still used today by the New Jersey Turnpike and Garden State Parkway public safety officials and road crews. Again, the LTR format systems in place were replaced with the more modern PassPort format.
16. Prior to its sale to MCLM, Warren Havens continually opposed Mobex for several years; he claimed that Mobex had not constructed licenses, Mobex lacked character, etc. . In 2004, Mobex attempted to sell its licenses to Clarity Partners, a major venture capital fund that sought to invest \$25 Million into deployment of PassPort systems on the Mobex spectrum. The FCC approved the sale in December 2004. However, because of Havens' opposition to this transaction, the FCC did not approve the sale for over ten months, by which time Clarity Partners had moved on to other projects, and so that transaction was lost, along with the opportunity to build a very large, near nationwide network in 2004.

17. Similarly, when Mobex filed its assignment application to MCLM around June 2005, Mr. Havens made the same complaints about non-construction by Mobex, lack of character, etc. The FCC again rejected Havens' complaints, finding that in fact Mobex was operating and had timely built its systems, and that this issue had been determined previously.
18. It is beyond question that WRV374 was timely built by Mobex's subsidiary Regionet and operated properly by Mobex during its ownership of the licenses. This view is, I believe, validated by the fact that Nextel was a part owner, and Nextel was a very professional organization. In addition, Mr. Reardon and I regularly reported to the Board on our revenues and our cash needs to continue to operate the incumbent sites around the nation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 5, 2011

  
\_\_\_\_\_  
David Predmore

FILED/ACCEPTED

JUL 30 2012

Federal Communications Commission  
Office of the Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
*****	)	FRN: 0013587779

To: Marlene H. Dortch, Secretary  
Attention: Chief Administrative Law Judge Richard L. Sippel

Request of Warren Havens - Skytel-H  
to Appear at Prehearing Conference by Telephone<sup>1</sup>

Warren Havens for himself and the other undersigned "SkyTel-H" entities request permission to attend by telephone, as permitted at the last prehearing, the Prehearing Conference at the Commission at 10 AM on August 1, 2012 in the captioned proceeding. I am unable to attend the meeting in person since I am located in California and have other business commitments—in large part to this Hearing-- that prevent a trip to DC on such short notice: the other commitments include in large part daily actions in legal proceedings regarding Maritime: discovery and other actions of which bear directly upon this FCC Hearing: both issue (g) and all other issues. This includes ongoing provision of documents to the Enforcement Bureau under its Document Request directed to me ("EB DR"), and certain antenna-site investigation documentation, etc.

Among the documents SkyTel-H must produce under the EB DR are the 101 Boxes (8 apparently removed by Mobex-MCLM) of documents of Maritime site-based station records at the NCASS storage facility in Virginia.<sup>2</sup> These are being scanned, bates stamped, and otherwise

<sup>1</sup> I submit request this as promptly as I could. I received your July 25<sup>th</sup> Order by email noticing the prehearing later on Wednesday, but I had nonstop scheduled commitments until today, and also needed assistance from my office to prepare the Exhibits hereto (relevant as noted below).

<sup>2</sup> See Exhibits 1 and 2 hereto.

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processed daily at this time by a bonded professional document processing company near DC under contract with SkyTel (at an estimated cost of over \$30,000 for the processing [approx. 250,000 pages] and several times that with legal and other costs).

As to these Boxes, I submitted a report to you at the start of June. The boxes of documents are currently being scanned and bates stamped by a bonded document processing company. There are about 250,000 pages. Even well staffed, this will take to the end of August to complete.<sup>3</sup> The documents will then be on a digital disc, and provided to the Bankruptcy Court in the Maritime case. SkyTel will then seek relevant documents in the bankruptcy case, and to fulfill the document demand from the Enforcement Bureau -- *who may also directly seek the documents, if the Bureau seeks to expedite obtaining, and be more sure to obtain, all the relevant documents for this Hearing.* I have suggested that to the Bureau.

The two Exhibits hereto further report on this matter of the Boxes of documents of the Maritime site-based stations and licenses. *These reflect the serious issues involving these Boxes, including whether Maritime and its principals and attorneys have breached fundamental legal obligations, and should thus suffer ramifications thereof. The two Exhibits hereto reflect this.* This is presented here, in the request to attend by phone, to reflect the major difficulties that Maritime and its attorneys has interposed, for years, in keeping the evidence in these boxes from

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<sup>3</sup> There were third-party delays in getting this job commenced, including the storage company not agreeing for some time to release the Boxes, and the document-processing candidate companies need to visit and inspect, and to shop for and get performance-security bonds, the negotiate statements of work, etc. In any case, the work is now proceeding.

*SkyTel does not believe it is in the realm of possibility-- or legality-- that Maritime-Reardon do not have the originals or copies of all of the documents. No buyer of assets, and no CEO (especially an attorney) can not keep the documents of its core assets (here, the FCC licenses and stations) for which the company was founded, and that are allegedly being operated nationwide for Commercial Mobile Radio Service businesses. Maritime alleged that before the FCC for years (only recently, in this Hearing, has it commenced to admit otherwise). See Exhibits 1 and 2 hereto.*

use in FCC legal proceedings, now including this Hearing. Only SkyTel has acted to find and now pay all cost to preserve digitally (and bates stamp, etc.) these documents.

I cannot both continue this work, and fly to DC and back, for the prehearing. In addition, the cost of this hidden-Boxes work noted above is a small fraction of the costs of the FCC and other litigation which went into the SkyTel petitions that are cited in and largely responsible for FCC 11-64, the Hearing Designation Order in the instant Hearing. SkyTel entities are small companies and should not have to bear cost to fly to DC when participation by phone (which worked well, in past prehearings) is far more cost efficient, and saves days of time already in large part committed to matters of this Hearing.

In the past, you (the ALJ) have permitted me to participate in prehearing conferences and status conferences on behalf of the Skytel-H entities via telephone. I believe my participation in the prehearing conferences was beneficial, and the procedure was effective (not disruptive of the in-person meeting process, etc.).

In the upcoming prehearing, if you so direct or allow, I can provide status updates as to:

- (i) The 101 Boxes matter indicated above,
- (ii) the MCLM bankruptcy proceeding, in which SkyTel is the most active non-Debtor (non-Maritime) party, including regarding the Maritime Chapter 11 plan's core component—its "Second Thursday"-relief plan elements, and SkyTel opposition thereto,
- (iii) the Skytel v. Maritime-Mobex (et al.) antitrust litigation proceeding (US District Court, New Jersey), including discovery going on, some relevant to this Hearing (and the case ultimately is also relevant, under 47 USC §313: revocation by the court of FCC licenses of licensees, if found to have violated antitrust law),
- (iv) Skytel-H's pending motions in the subject hearing,

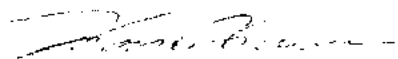
(v) and other developments.

SkyTel has 10 years of history of challenging Maritime and its predecessors and real persons in control. SkyTel has attempted to pass on to the Enforcement Bureau relevant information (as has provided all of the documents it demanded, and is supplementing these as more become available): but the Bureau has limited resources to review and digest these, and relate these to applicable law (inkling Part 80 rules and Orders relevant to issue (g)).

Thus, in this Hearing, the SkyTel-H participation is important to add to that of the Bureau, and to provide a check against the assertions and actions of Maritime. In addition, SkyTel-H entities are parties in this case and seek ongoing participation rights.

For the above reasons, I request permission to attend by telephone conference arrangement. I will of course pay for the cost to call in.

Respectfully submitted, July 27, 2012



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Warren Havens

Individually and as President of each of the other SkyTel-H entities: Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, and V2G LLC

2509 Stuart Street, Berkeley CA 94705

Phone: 510-841-2220

Email: [warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)

Exhibits 1 and 2 are attached:  
Emailed copies have the Exhibits as separate uploads.

Certificate of Service

I, Warren Havens, certify that I have, on this 27<sup>th</sup> day of July 2012, caused to be served by placing into the USPS mail system with first-class postage affixed, unless otherwise noted, a copy of the foregoing filing to the following:<sup>4</sup>

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Robert J. Keller  
Law Offices of Robert J. Keller, P.C.  
P.O. Box 33428  
Washington, DC 20033

Robert J. Miller, Esquire  
Gardere Wynne Sewell LLP  
1601 Elm Street, Suite 3000  
Dallas, TX 75201

Robert M. Gurss, Esquire  
Paul J. Feldman, Esquire  
Harry F. Cole, Esquire  
Christine Goepp, Esquire  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N Street, 11<sup>th</sup> Floor  
Arlington, VA 22208

Kurt E. Desoto, Esquire  
Joshua S. Turner  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, DC 20006

Pamela A. Kane, Deputy Chief  
Brian Carter  
Investigations and Hearing Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, DC 20554

Jack Richards, Esquire

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<sup>4</sup> The mailed copy being placed into a USPS drop-box today may be after business hours, and therefore, not be processed by the USPS until the next business day.

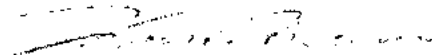
Wesley K. Wright, Esquire  
Keller and Heckman LLP  
1001 G Street, N.W.  
Suite 500 West  
Washington, DC 20001

Albert J. Catalano, Esquire  
Matthew J. Plache, Esquire  
Catalano & Plache, PLLC  
3221 M Street, N.W.  
Washington, DC 20007

Charles A. Zdebski, Esquire  
Eric J. Schwalb, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
1717 Pennsylvania Avenue, N.W.  
Washington, DC 20006

Jeffrey L. Sheldon, Esquire  
Fish & Richardson, P.C.  
1425 K Street, N.W.  
11<sup>th</sup> Floor  
Washington, DC 20005

Robert H. Jackson, Esquire  
Marashlian & Donahue, LLC  
1420 Spring Hill Road – Suite 401  
McLean, VA 22102



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Warren Havens



## NATION'S CAPITAL ARCHIVES

Facsimile Transmission Information

Date

5/22/12

TO: Mr./Mrs.

Tonda Richards, Esq.

Company

WBH BK, B.C.

FROM:

WilmaTotal number of pages, including the cover letter: 14

IF you do not receive all the pages, please contact the person named above on the telephone numbers (202)529-500, (703)551-4944.

## SPECIAL INSTRUCTIONS/MESSAGE:

Documents requested as follows:

- 1) Copy of Archives Agreement with Rates Schedule A
- 2) Identification Card (copy)
- 3) Current Rates Schedule for all clients  
effective June 15, 2007
- 4) Financial Report
- 5) Statement of Account

FACSIMILE: (703)551-4947



CORPORATE OFFICE  
ALEXANDRIA DEPOT  
PR. WILLIAM DEPOT

14811 FARM CREEK DR	WOODBIDGE VA	22191	202-529-5000
405 FANNON STREET	ALEXANDRIA VA	22301	703-706-5700
14498 TELEGRAPH RD	WOODBIDGE VA	22192	703-221-9100

**ARCHIVE DEPOSITORY AGREEMENT**

**Depositor:** Mobex Communications, Inc.  
Acct. No. 20130

**Address:** 1150 18th Street, N.W., Ste. 250  
Washington D.C. 20036

**Effective Date:** July 18, 2000

1. **TERM**

The original term of this agreement shall be from the date first herein above stated until Sept. 30, 2001. Thereafter, this agreement shall automatically renew for successive terms of one year until either party cancels it by giving the other written notice at least sixty (60) days prior to the intended cancellation date.

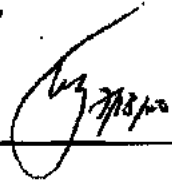
2. **ARCHIVAL SERVICES**

NCA will assist Depositor in the assessment of archival needs and preparation and inventory of client deposits for archival storage. NCA will supply standard archive containers, pick up the records and establish a computerized inventory. Depositor shall be provided with an inventory of deposits, updated quarterly. Depositor may have access to deposits at the archive facility during normal business hours. Upon written or telephone request, NCA will deliver one or more archive containers to Depositor within one (1) business day.

Upon written instructions from the Depositor, NCA will destroy deposits and provide certification thereof. Depositor agrees to hold NCA harmless from any liability by reason of destruction of such deposits pursuant to such authorization.

3. **DEPOSITS**

NCA shall protect the confidentiality of all deposits and will not reveal or permit the contents of such deposits to be revealed to anyone without prior written consent of the Depositor. Unless otherwise directed in writing, deposits shall be delivered only to Depositor's authorized representatives, as evidenced by signatory cards on file with NCA. Depositor agrees not to store narcotics, explosives, hazardous or other illegal material.



4. **RATES AND PAYMENT**

Depositor agrees to pay NCA for its storage services hereunder at the rates set forth in Schedule A. Archival storage rates shall apply for the original term of this agreement. For renewal terms, notice of any change in the archive storage rates shall be supplied in writing not less than forty five (45) days prior to the renewal date. Rates for all other services may be changed, from time to time, upon not less than thirty (30) days prior written notice to Depositor.

5. **LIABILITIES**

NCA shall not be liable for damage due to gradual deterioration, acts of God or the public enemy, labor disputes, riots or any cause beyond its control.

The liability of NCA to Depositor shall be limited to damage or loss caused by its own negligence in amounts not to exceed the following: \$0.50 per cu. ft. of films, \$15.00 per computer tape and \$400.00 per computer disk pack.

Any claims against NCA must be made in writing and delivered to NCA by registered or certified mail not later than ten (10) days after discovery of loss or return of deposits to Depositor, whichever shall first occur.

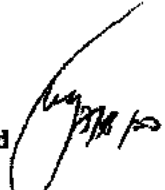
6. **RULES; LATE PAYMENTS; NON-PAYMENT**

Depositor agrees to comply with all rules and regulations of NCA for the safety, care and management of the deposits and NCA archival facilities.

Charges due NCA and remaining unpaid more than thirty (30) days shall be subject to a late charge of 2.0% of amounts due for each 30 day period such charges shall remain unpaid. If the Depositor fails to pay NCA charges for a period of thirty (30) days or more, NCA may, after giving ten (10) days notice by registered or certified mail, at its option:

(a) redeliver deposits to Depositor or (b) refuse access to deposits.

NCA shall have a lien on all deposits of Depositor for uncollected charges. Any expenses incurred in the cost of collecting arrears, including reasonable attorney's fees, shall be added to arrears. Nothing herein shall preclude NCA from recourses to any other remedies provided by law.



**7. ADDRESS OF DEPOSITOR**

All notices and redeliveries of deposits hereunder shall be to the authorized representatives of Depositor at the address of Depositor hereinabove set forth, unless special instruction or notice of change of address is received in writing by NCA.

**8. AMENDMENT; BINDING ON SUCCESSORS**

This agreement may not be amended other than by instrument in writing executed by both parties, and is binding on the heirs, personal representatives, successors and assigns of the respective parties.

**MOBEX COMMUNICATIONS, INC.****NATION'S CAPITAL  
ARCHIVES**

By

By  7/16/00



**RATES SCHEDULE A****Acct. No. 20130**

Storage fee per cu. ft. per mo.-----\$0.25\*

(Storage fees are billed on a quarterly basis  
in advance.)

One-time entry fee per box----- \$ 1.75

(This one-time entry charge per new box is inclusive of the  
provision of pick up and moving service of all packed boxes  
coming first time to storage, bar code labels, shelving and  
data entry for the computerized inventory reporting system.)

Supply of one cu. ft. empty box-----\$2.00 ea.

(with free delivery service per order)

**SERVICE RATES**

Regular retrieval or refile fee per item - - - - - \$ 2.00

Priority retrieval fee per item - - - - - \$ 3.00  
(guaranteed 2 -hour service from time of call)

PM retrieval fee per item - - - - - \$ 2.00

Regular pick up/ delivery service (next-day)

first box - - - - - \$ 8.50

each additional box, same trip - - - - - \$ 2.00

Priority delivery service, guaranteed two hour service, same day, during  
business hours

first box - - - - - \$ 25.00

each additional box, same trip - - - - - \$ 3.00

PM delivery service, call received before 11:00 AM, will be delivered the  
same day

first box - - - - - \$ 13.50

each additional box, same trip - - - - - \$ 2.00

*Handwritten signature/initials*

Evening or weekend access ----- \$ 60.00  
Master file index (optional) ----- --\$ 0.35/ line  
Archival Services (optional) ----- --\$ 30.00/manhour  
Termination fee per box ----- --\$ 3.00\*\*

\*There is a minimum storage fee of \$ 10 per month or \$ 30 per quarter.

\*\*Termination fees plus all other invoices outstanding on the account  
must be paid prior to release of any and all boxes for terminating  
or closing accounts.

*6/7/12/12*



**RATES FOR DESTRUCTION****A. Destruction for non-confidential materials by dumping only**

retrieval fee from shelf to include updating computerized  
inventory report for client ----- \$ 2.00/ box

dumping fee (billed by county dump-site) -- \$ 17.00/ton  
(1 to 2000 lbs., one box of files weighs  
approximate 35-40 pounds each)

delivery fee to dump site----- \$ 55.00/hour  
(includes 2 men and truck)

**B. Destruction of confidential materials by shredding on-site at  
Nation's Capital Facility (Unlike other storage centers, Nation's  
Capital do in fact shred materials on-site with its own equipment  
and by its own personnel.)**

retrieval fee from shelf to include updating client's  
computerized inventory report ----- \$ 2.00/box

shredding fee ----- \$ 0.22/lb.  
(Materials are actually weighed prior to shredding. Each  
box of files weighs approximately 35-40 lbs. each.)

*Handwritten signature and date: 7/10/00*



**IDENTIFICATION CARD**

To: **NATION'S CAPITAL ARCHIVES & STORAGE CENTER**  
2010 Fenwick Street, N.E.  
Washington, D.C. 20002

Gentlemen:

You will please make delivery of items stored on the order of any one or more of the undersigned persons, or that of their accredited successors or assigns.

Mobex Communications, Inc. (Acct. 20130) 7/18/00

Depositor's Name

Date

Signature

*David M. Fredman*

Signature

*John R. Smith*

Signature

Signature



# NATION'S CAPITAL ARCHIVES

## ARCHIVAL SYSTEM

### New Service Rate Schedule As of June 15, 2007

Retrieval:	First Item	Ea. Add. Item
Standard (for delivery next a.m.)	4.00	4.00
Same Day (call by 11:00 a.m.); delivery by 3:30 p.m.)	4.00	4.00
Express (first priority delivery)	6.00	6.00
Evening, weekend, holiday delivery	6.00	6.00
Delivery:		
Standard	13.00	4.00
Same Day	17.00	4.00
Express	45.00	6.00
Evening, weekend, holiday delivery	75.00	6.00
Rcfile Fee	4.00	4.00
Archival Services (packing, inventorying, searching, copying, faxing, warehouse handling, etc.) per quarter hour	10.00	
Supply of Empty Boxes	2.75 each with free delivery service	
Storage Fee	0.27/cu. ft. per month (billed quarterly)*	
Entry Fee per box	3.00	
Termination Fee per box	4.00	
Fuel Surcharge	2.00 flat fee per trip	

Note: Each standard NCA archival box is treated simply as 1 cu. ft. each, not 1.2 cu. ft.

\* Minimum storage fee is \$20 per month or \$60 per quarter.



**CORPORATE OFFICE**  
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**PR. WILLIAM DEPOT**

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## NATION'S CAPITAL ARCHIVES

### RATES FOR DESTRUCTION

#### A. Destruction for non-confidential materials by dumping only:

retrieval fee from shelf to include updating computerized  
inventory report for client ----- \$4.00/ box

dumping fee (billed by County dump site) ----- \$47.00/ton  
(1 ton = 2000 lbs., one box of files weighs approximately  
35-40 pounds each)

delivery fee to dump site ----- \$70.00/hour  
(includes 2 men and truck)

#### B. Destruction of confidential materials by shredding on-site at Nation's Capital Facility (Unlike other storage centers, Nation's Capital do in fact shred materials on-site at its facility). A Certificate of Destruction is issued upon completion of the shredding process.

retrieval fee from shelf to include updating computerized  
inventory report for client ----- \$4.00/box

shredding fee ----- \$0.22/lb.  
(Materials are actually weighed prior to shredding. Each  
box of files weighs approximately 35-40 lbs. each.)



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PR. WILLIAM DEPOT	14498 TELEGRAPH RD	WOODBIDGE VA	22192	703-221-9100

DATE: 05/09/12

NATION'S CAPITAL ARCHIVES

Page No. 1

14811 Farm Creek Drive  
 (202) 529-5000 ; (703) 551-4944  
 Fax No. (703) 551-4947  
 e-mail: info@nationscapitalarchives.net

Account No. 20130  
 Mobex Network Services, LLC  
 Attn: Accounting  
 6200 Hwy 62 East, Bldg 2501, #  
 Alexandria, VA 22314

*Date taken  
out. Box is  
not in storage.*

REFERENCE	Vol.	Locator	Code	DESCRIPTION	Inv. #	E Date	Code	D Date	Chr.
00001	1	975-002-023		GEOTECK, MOBEX SMR LEASES, GEMM COMMUNICATIONS, NEXTEL.	21494	07/24/00			
00002	1	956-004-062		IDAHO COMMUNICATIONS	21494	07/24/00			
00003	1	942-005-007		IDAHO COMMUNICATIONS	21494	07/24/00			
00004	1	956-003-051		IDAHO COMMUNICATIONS	21494	07/24/00			
00005	1	811-002-058		CPOC PROFESSIONAL - SKITRONICS	21494	07/24/00			
00006	1	956-003-050		IDAHO COMMUNICATIONS	21494	07/24/00			
00007	1	942-004-016		IDAHO COMMUNICATIONS, MID-TEXAS	21494	07/24/00			
00008	1	956-003-051		IDAHO COMMUNICATIONS, MID-TEXAS	21494	07/24/00			
00009	1	975-002-027		CPOC PROFESSIONAL - SKITRONICS	21494	07/24/00			
00010	1	974-007-005		DUE DILIGENCE INFORMATION	21494	07/24/00			
00011	1	974-007-024		EAST TEXAS, UMN TRANSACTION FILES	21494	07/24/00			
00012	1	975-002-028		PCS, SMR DIRECT, UPPER 200 CHANNEL AUCTION FOR 800MHZ, GEM BACKGROUND INFO.	21494	07/24/00			
00013	1	975-002-027		NEXTEL II	21494	07/24/00			
00014	1	975-002-026		NEXTEL I	21494	07/24/00			
00015	1	975-002-030		GEOTEK, UMN TEXAS, GEM CLOSING	21494	07/24/00			
00016	1	947-004-057		STOCK INFO., ACQUISITIONS, MOBEX GEM., MISC.	21494	07/24/00			
00017	1	975-002-024		FCC LICENSE INFORMATION, AUDIT LETTERS 95-98, TRADEMARK INFORMATION	21494	07/24/00			
00018	1	974-007-024		CPOC MOBEX SOUTH CAROLINA WOODHAVEN	21494	07/24/00			
00019	1	974-007-004		ETCLP	21494	07/24/00			
00020	1	974-007-022		PAR WATT FILES, B & C YSK INSURANCE	21494	07/24/00			
00021	1	974-007-023		DOGWOOD, PAR WATT	21494	07/24/00			
00022	1	974-007-023		D & L	21494	07/24/00			01/27/06
00023	1	974-007-022		MOBEX SC, GEM. MOBEX 900, MOBEX NC	21494	07/24/00			
00024	1	945-004-011		CMI	21494	07/24/00			01/27/06
00025	1	975-002-026		MOBEX RADIO COMMUNICATIONS, DUE DILIGENCE	21494	07/24/00			
00026	1	974-007-023		MOBEX GEM., DOCKET STATUS	21494	07/24/00			
00027	1	975-002-030		CPOC, MOBEX FINOVA 97	21494	07/24/00			
00028	1	974-007-022		ETCLP	21494	07/24/00			
00029	1	975-002-021		CPOC MOBEX FINOVA 96 #3	21494	07/24/00			
00030	1	975-002-028		CPOC MOBEX FINOVA 96 #2	21494	07/24/00			
00031	1	975-002-036		CPOC D & L	21494	07/24/00			
00032	1	974-007-022		CPOC RILEY PROFESSIONAL SKITRONICS	21494	07/24/00			
00033	1	975-002-027		CPOC MOBEX AUTOPHONE	21494	07/24/00			
00034	1	974-007-022		MOBEX GEM - IDAHO	21494	07/24/00			
00035	1	975-002-024		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00036	1	975-002-024		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00037	1	975-002-026		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00038	1	975-002-030		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00039	1	975-002-027		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00040	1	975-002-025		UNITED STATES V. MOTOROLA, INC. AND NEXTEL COMMUNICATIONS, INC.	21494	07/24/00			
00041	1	975-002-021		CPOC MOBEX FINOVA 97 #2	21494	07/24/00			
00042	1	975-002-031		CPOC MOBEX CORRESPONDENCE, BLUE SKY FILES	21494	07/24/00			
00043	1	975-002-025		CPOC MOBEX COMMUNICATIONS	21494	07/24/00			
00044	1	974-007-023		MOBEX GEM	21494	07/24/00			
00045	1	975-002-025		EXTRA NEXTEL COPIES	21494	07/24/00			
00046	1	975-002-026		EXTRA NEXTEL COPIES	21494	07/24/00			
00047	1	975-002-026		EXTRA NEXTEL COPIES	21494	07/24/00			
00048	1	975-002-026		EXTRA NEXTEL COPIES	21494	07/24/00			
00049	1	975-002-023		EXTRA NEXTEL COPIES	21494	07/24/00			
00050	1	947-005-040		A THRU B&C - ACCOUNTS RECEIVABLE THRU B&C		05/22/01			
00051	1	947-004-042		B&C THRU CSN		05/22/01			
00052	1	947-003-071		CTA THRU DERRICK LUMBER		05/22/01			
00053	1	974-007-022		DEUTSCHE BANK THRU DUNNING, JEFF		05/22/01			
00054	1	974-007-022		FAA THRU INLAND COMMUNICATIONS		05/22/01			
00055	1	974-007-022		KENWOOD THRU NORTH CAROLINA LICENSES		05/22/01			
00056	1	974-007-023		ECA-T THRU RF RADIATION		05/22/01			

DATE: 05/09/12

NATION'S CAPITAL ARCHIVES

Page No. 2

14811 Farm Creek Drive  
 (202) 529-5000 ; (703) 551-4944  
 Fax No. (703) 551-4947  
 e-mail: info@nationscapitalarchives.net

Account No. 20130

Mobex Network Services, LLC  
 Attn: Accounting  
 6200 Hwy 62 East, Bldg 2501, #  
 Alexandria, VA 22314

REFERENCE	Vol.	Locator Code	DESCRIPTION	Inv. #	E Date	Code	D Date	Chr.
00057	1	974-007-024	P, S THRU U - PAGING THRU SURLES, JIMMIE		05/22/01			
00058	1	943-003-065	THRU US SUGAR HART-SCOTT & MISC. - FINANCIALS 92 WHITECLOUD THRU MOBEX WIDE-AREA SMR		05/22/01			
00059	1	964-002-058			12/26/01			
00060	1	964-004-123			12/26/01			
00061	1	964-003-062			12/26/01			
00062	1	964-003-113			12/26/01			
00063	1	964-004-028			12/26/01			
00064	1	944-002-037			12/26/01		09/27/04	
00065	1	944-002-024			12/26/01		09/27/04	
00066	1	962-004-054			12/26/01			
00067	1	964-002-058			12/26/01			
00068	1	964-003-042			12/26/01			
00069	1	964-004-029			12/26/01			
00070	1	947-004-043			12/26/01			
00071	1	964-004-026			12/26/01			
00072	1	964-003-041			12/26/01			
00073	1	964-005-136			12/26/01			
00074	1	962-002-013			12/26/01			
00075	1	962-003-012			12/26/01			
00076	1	962-001-013			12/26/01			
00077	1	964-004-123			12/26/01			
00078	1	962-003-022			12/26/01			
00079	1	964-002-085			12/26/01			
00080	1	962-002-010			12/26/01			
00081	1	962-005-026			12/26/01			
00082	1	943-002-053			12/26/01		01/31/06	
00083	1	955-003-108			12/26/01		01/31/06	
00084	1	962-001-013			12/26/01			
00085	1	947-005-063			12/26/01			
00086	1	955-005-067			12/26/01		01/31/06	
00087	1	964-004-026			12/26/01			
00088	1	964-004-095			12/26/01			
00089	1	962-002-026			08/09/02			
00090	1	964-003-041			09/25/03			
00091	1	962-001-013			09/25/03			
00092	1	947-005-042			09/25/03			
00093	1	962-002-010			09/25/03			
00094	1	962-003-028			09/25/03			
00095	1	962-003-026			09/25/03			
00096	1	962-002-010			09/25/03			
00097	1	962-004-017			10/17/03			
00098	1	947-004-055			10/17/03			
00099	1	947-004-043			10/17/03			
00100	1	944-002-041			10/17/03		01/27/06	
00101	1	947-004-051			07/21/04			

TOTAL FOR CUSTOMER: 101

**NATION'S CAPITAL ARCHIVES**

14811 Farm Creek Drive  
Woodbridge, VA 22191  
(202) 529-5000; (703) 551-4944  
Fax No. (703) 551-4947  
e-mail: [info@nationscapitalarchives.net](mailto:info@nationscapitalarchives.net)

**STATEMENT**

DATE : 05-09-12  
ACCOUNT No.: 20130  
Page 1 of 2

TO: Mobex Network Services, LLC  
Attn: Accounting Dept.  
6200 Hwy 62 East, Bldg. 2501, #875  
Jeffersonville, IN 47130

DATE	INVOICE NUMBER	Debit	Credit	BALANCE
06/12/08	113230 (Storage fee for the period 7/1-9/30/08)	80.19		80.19
09/12/08	115778 (Storage fee for the period 10/1-12/31/08)	80.19		160.38
12/12/08	118261 (Storage fee for the period 1/1-3/31/09)	80.19		240.57
03/12/09	120509 (Storage fee for the period 4/1-6/30/09)	80.19		320.76
06/12/09	121605 (Storage fee for the period 7/1-9/30/09)	80.19		400.95
09/14/09	130878 (Storage fee for the period 10/1-12/31/09)	80.19		481.14
12/14/09	131999 (Storage fee for the period 1/1-3/31/10)	80.19		561.33
03/12/10	134678 (Storage fee for the period 4/1-6/30/10)	80.19		641.52

06/14/10	138663	80.19	721.71
	(Storage fee for the period 7/1-9/30/10)		
09/14/10	140110	80.19	801.90
	(Storage fee for the period 10/1-12/31/10)		
12/14/10	141985	80.19	882.09
	(Storage fee for the period 1/1-3/31/11)		
03/14/11	143452	80.19	962.28
	(Storage fee for the period 4/1-6/30/11)		
06/14/11	145607	80.19	1,042.47
	(Storage fee for the period 7/1-9/30/11)		
09/14/11	148342	80.19	1,122.66
	(Storage fee for the period 10/1-12/31/11)		
12/14/11	149578	80.19	1,202.85
	(Storage fee for the period 1/1-3/31/12)		
03/14/12	151976	80.19	1,283.04
	(Storage fee for the period 4/1-6/30/12)		

)

<b>CURRENT</b>	30 DAYS	60 DAYS	90 DAYS	120 DAYS	Late Charge	<b>BALANCE</b>
				<b>1,283.04</b>	<b>868.90</b>	<b>2,151.94</b>

From: **Danny Ruhl** <druhl@cctb.com>

Date: Tue, Jul 24, 2012 at 4:08 PM

Subject: Re: (Maritime) NCASS Documents

To: Craig Geno <cmgeno@cmgenolaw.com>

Cc: Bill Leech <BLEech@cctb.com>, "Derek F. Meek" <DMEEK@burr.com>, John Reardon <xreardon@earthlink.net>

Craig:

I am following up on the below email and your initial response thereto. As discussed in much greater detail below, we again request the following prior to SkyTel incurring significant, additional expenses connected with the NCASS preservation:

1. Please identify which records at NCASS are relevant to the subject licenses and which are not, and let us know what MCLM (including Mr. Reardon for MCLM and/or Mobex) knows about the contents of the approximately 93 boxes stored at NCASS.
2. Please provide any indexes/directories/or the like that exist in connection with the NCASS documents.
3. Please let us know, in general terms that would not divulge any privileged information, what was in the removed boxes discussed below, why those boxes were removed, and where these boxes or their contents are now located.

Thanks.

Danny

**Danny E. Ruhl**

*Shareholder*

COPELAND  
COOK  
TAYLOR &  
BUSH

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Concourse 600, Suite 100  
Ridgeland, MS 39157  
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**TAX MATTERS:** To the extent this email or any attachment hereto concerns tax matters, it is not intended or written to be used, and cannot be used by a taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer under law.

On Thu, Jul 19, 2012 at 5:09 PM, Craig Geno <[cmgeno@cmgenolaw.com](mailto:cmgeno@cmgenolaw.com)> wrote:

Sorry Danny-I got a number of responses from my team on this while I had that stomach bug that you had-terrible (but effective) way to lose weight. Everything is kind of foggy from then, so let me see if I kept all the responses.

If I recall, I think the consensus was that maybe 20% of the boxes could be relevant but that was only an educated guess. I will need to verify that.

Craig

**From:** Danny Ruhl [<mailto:druhl@cctb.com>]  
**Sent:** Thursday, July 19, 2012 4:30 PM  
**To:** Craig Geno  
**Cc:** Bill Leech; Derek F. Meek  
**Subject:** (Maritime) NCASS Documents

Craig:

I emailed on July 10 that our client is working with NCASS and the copier to complete the preservation of the boxed documents per the bankruptcy court's preservation order, and is about to incur further, significant expense in doing so (of around \$40,000 or more, just to the bonded copier). I also stated that it was my understanding that MCLM has said to the FCC that the boxed documents are all relevant to the site-based AMTS licenses now held in MCLM's name, and that our client has requested that I contact you and ask that, if MCLM wishes to modify that in some way, it please do so now, prior to SkyTel incurring the aforementioned additional, significant expense. You responded by asking me if I could point you to where MCLM had said that.

I have discussed that with our client, and point you to the attached, which contains portions of an Opposition filed by MCLM with the FCC in connection with a SkyTel pleading, along with a related Declaration exhibited thereto. The Opposition states in part as follows (emphasis added): "In a rabid opposition to MCLM's Request for Extension of Time to file the instant Opposition, Havens blustered that the fact that MCLM does not possess **certain old documents [on MCLM (including predecessors) asserted construction and permanent operation of the licenses]** was



‘simply an admission of conspiracy between MCLM and Mobex to launder defective FCC license [sic] stations and the license. . . .’ Satisfied with the Mobex transaction, **MCLM had no need for detailed construction records of facilities first authorized a decade earlier and did not demand them from Mobex.** As demonstrated by the declaration of David Predmore attached hereto as Exhibit 1, Mobex wound up its affairs and ceased paying National Capital storage company the rent on stored records, including copies of site leases, equipment inventory, and other old information, which was all destroyed years ago by the storage company....” The Predmore Declaration states in part as follows (emphasis added): “5. After the sale of its assets [to MCLM, of its AMTS FCC licenses and related equipment], Mobex kept its voluminous records in storage with Nation's Capital Archives & Storage Systems Inc. in Virginia.... Nation's Capital Archives informed me it would destroy the records, including copies of the site leases, equipment inventory, etc.”

If what the foregoing meant was that only some, but not all or materially all, of the documents stored with NCASS (whether the 93 boxes that remain there to this day, or the 8 or so boxes discussed below that we understand were at some point removed) are relevant to the site-based AMTS licenses now held in MCLM's name, then we request that MCLM please confirm that and identify at this time which records at NCASS are relevant to the subject licenses and which are not, prior to SkyTel incurring the aforementioned additional, significant expense.

Indeed, our client has requested us to ask what MCLM (including Mr. Reardon for MCLM and/or Mobex) knows about the contents of the approximately 93 boxes stored at NCASS. In this regarding, I understand that, within a day or two of my aforementioned July 10 email, Mr. Keller reported to the FCC administrative law judge that there is little of relevance in those boxes as to the MCLM's AMTS licenses. That appears contrary to the prior statements that were made (including the statements set forth above which indicate the boxes contain “detailed construction records,” “copies of site leases,” and “equipment inventory,” and also more recent statements to the effect, as I understand it, that MCLM is not really sure what is in the boxes).

But, in any event, if MCLM's counsel, Mr. Keller, can now say that there is little of relevance in the boxes as to the licenses, we assume it is because he or someone with MCLM or Mobex must know or have a very good idea about what is in the boxes, and might have an index of the box contents, a file directory, or the like. Could you, therefore, please have MCLM describe what it knows and does not know about the contents of the NCASS boxes and related details? Also, if such indexes/directories/etc exist, could you please provide those? Of course, if MCLM asserts that any such box index or file directory contains confidential information, they could be produced under a protective order. And if MCLM asserts that any such box index or file directory contains privileged information, it could be redacted and noted in a privilege log for later treatment. Please check on this and let us know as soon as possible. Obtaining any indexes/directories/or the like soon is important to enable the preservation job to proceed efficiently and properly, as SkyTel could use the box indexes/file directories to direct the bonded copier to label the scanned documents in accord with the index/directory, and could also use the index/directory to avoid incurring what might otherwise be unneeded expenses.

4

We believe our client has a right to the above-requested information, before it goes to significant further expense in connection with its efforts to preserve the boxes pursuant to the bankruptcy court's preservation order, so it can elect not to go to further expense preserving a lot of documents that are not relevant. And, under the terms of the order, our client obviously cannot access or review the documents itself prior to preservation in order to determine what may need to be preserved.

On a related note, and as alluded to above, prior to SkyTel seeking the preservation order, NCASS identified 101 boxes Mobex placed in storage, and provided information demonstrating that, on the following dates, 8 of the boxes were removed and not returned: January 27, 2006; January 31, 2006; and September 27, 2004. Our client would like to know, in general terms that would not divulge any privileged information, what was in these removed boxes, why these boxes were removed, and where these boxes or their contents are now located. Would you please check on this and let me know as soon as possible?

Thanks,

Danny

**Danny E. Ruhl**

*Shareholder*

1076 Highland Colony Parkway  
Concourse 600, Suite 100  
Ridgeland, MS 39157

P.O. Box 6020

Ridgeland, MS 39158

Direct dial (601) 427-1309

These are relevant pages and an exhibit from the recent MCLM Opposition to Petition to Deny regarding the recent WRV374 Renewal Application. Underlining added. A complete copy of this MCLM Opposition is available in Commission records.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
MARITIME COMMUNICATIONS/	)	
LAND MOBILE, LLC	)	
	)	File No. 0004738157
Application for Renewal of the License for	)	
Automated Maritime Telecommunications	)	
System WRV374	)	

To: Marlene K. Dortch, Secretary  
Attention: Chief, Wireless Telecommunications Bureau

OPPOSITION TO PETITION TO DISMISS, PETITION TO DENY,  
OR IN THE ALTERNATIVE SECTION 1.41 REQUEST

Maritime Communications/Land Mobile, LLC, by its attorneys, hereby files its Opposition (Opposition) to the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request filed in the above captioned matter by Warren Havens, Environmental LLC; Verde Systems, LLC, Intelligent Transportation & Monitoring Wireless LLC; Telesaurus Holdings GB LLC, V2G LLC, and Skybridge Spectrum Foundation (collectively, Havens). In support of its position, MCLM shows the following.

the contours in Havens' maps are based on the service contour adopted by the Commission for purposes of determining the co-channel protection to which site-based incumbents would be entitled from geographic licensees. Prior to the implementation of geographic licensing, the Commission's AMTS rules did not specify a service contour, and applicants were permitted to file applications, and demonstrate that the coverage requirement would be met on the reasonable service contour of their choice. We reject Havens' suggestion that site-based licenses that were granted on the basis of predicted service contours demonstrating adequate coverage should be retroactively be terminated based on the Commission's subsequent adoption (for a different purpose) of smaller service contour,"

Mobex Network Services, LLC, 22 FCC Rcd 665, 669 (WTB 2007). Accordingly, the Commission should dismiss or deny Haven's Petition insofar as it attempts to raise an argument concerning continuity of coverage again.

In a rabid opposition to MCLM's Request for Extension of Time to file the instant Opposition, Havens blustered that the fact that MCLM does not possess certain old documents was "simply an admission of conspiracy between MCLM and Mobex to launder defective FCC license [sic] stations and the license," FCC File No. 0004738157, filed July 22, 2011. Satisfied with the Mobex transaction, MCLM had no need for detailed construction records of facilities first authorized a decade earlier and did not demand them from Mobex. As demonstrated by the declaration of David Predmore attached hereto as Exhibit 1, Mobex wound up its affairs and ceased paying National Capital storage company the rent on stored records, including copies of site leases, equipment inventory, and other old information, which was all destroyed years ago by the storage company. Although Havens' claims concerning the initial construction of the facilities of station WRV374 are bound by res judicata or by time, MCLM provides, *infra*, the limited information that it has been able to find or obtain.

This is exhibit 1 to the above MCLM Opposition.  
Underlining added.

# **EXHIBIT 1**

## DECLARATION

I, David Predmore, state and declare as follows:

1. I am an honorably discharged former member of the US Navy; and a graduate of Georgetown University Law School, where I received my Juris Doctor degree in 2001.
2. I served for six years as Law Clerk, Associate Counsel, General Counsel, and finally Chief Administrative Officer, of Mobex Communications, Inc. ("MComm") and its related subsidiaries, including AMTS licensee Mobex Network Services, LLC ("Mobex"). My service began in 2000 and ended with the dissolution of the companies after substantially all assets were sold in 2006.
3. During 2005, Mobex entered into an asset purchase agreement with Maritime Communications/Land Mobile, LLC ("MCLM"). The FCC approved that sale in November 2005 and the transaction closed on December 30, 2005. I remained with Mobex for the first several months of 2006 in order to wind up its affairs, including paying creditors and others from the sale proceeds, dissolving the legal entities, etc.
4. In March 2006, I began employment for the National Rural Electric Cooperative Association as an attorney in its Arlington, VA headquarters.
5. After the sale of its assets, Mobex kept its voluminous records in storage with Nation's Capital Archives & Storage Systems Inc. in Virginia. After the company was wound up and dissolved, there was no corporate entity to pay the monthly storage fees, and Nation's Capital Archives informed me it would destroy the company records, including copies of site leases, equipment inventory, etc.
6. During my tenure at Mobex, the company paid approximately \$75,000 each month in site rental costs for the incumbent license sites, which include the East Coast license, WRV374.
7. Mobex was a professional, well-run organization, with a minority investment from Nextel, and a Board consisting of active, engaged members. MComm, the parent company, had over 100 shareholders, all separate and entirely apart from MCLM. Mobex had purchased WRV374 in the year 2000, as part of its acquisition of the Membership Interests of Regionet Wireless License Company, LLC ("Regionet") from the owners Paul vander Heyden and Fred Daniels. In 2002, Mobex was formed by the merger of wholly-owned subsidiaries of MComm known as Regionet and Waterway Communications, Inc. ("Watercom").
8. John Reardon served as President and CEO of MComm, and its subsidiaries, including Mobex, from January 2001 through December 31, 2005. Once the sale was completed at the end of December 2005, MComm made its final payroll to Mr. Reardon and he began employment on January 1, 2006 with MCLM, LLC, the buyer of Mobex's AMTS licenses.
9. Throughout the period of 2005, Mr. Reardon assisted Mobex with the sale of its assets, including the AMTS sale to MCLM. He remained at all times a




MComm employee, and at the MComm Board's direction, he assisted MCLM officials with any due diligence items or similar customary transition assistance. He also assisted MCLM, with MComm Board approval, in the August 2005 auction of white space licenses. The MComm Board determined it to be in Mobex's best interest for MCLM to acquire white space licenses, so that MCLM would remain interested in consummating the purchase of Mobex's incumbent licenses in the AMTS band.

10. The incumbent operations of Mobex were completely constructed, using a mixture of LTR format equipment on the East Coast and Great Lakes, Watercom waterway equipment in the Mississippi River areas, and MPT 1327 equipment on the West Coast.
11. Mobex entered an agreement with Motorola in the 2002 timeframe to transition four markets from LTR format to Motorola's new PassPort radio format, using the Trident NTS digital controller and an analog air interface. Those four markets were: Chicago, New York, Philadelphia, and Washington, DC/Baltimore.
12. Mobex had a dedicated PassPort sales team, and deployed dealer networks in the other LTR format markets. Much of Mobex's sales success resulted from its Watercom operation, since cellular was increasingly popular and two way radio PassPort systems were cumbersome and relatively more expensive than Nextel's iDEN digital phones, for example.
13. When Mobex sold its AMTS licenses to MCLM, MCLM assumed the leases from Mobex. Mobex paid those leases for third party site rents current through the sales date, i.e December 31, 2005.
14. Mobex entered a management agreement with Central Communications Network, Inc. ("CCN") whereby the LTR equipment in place in Orlando and Tampa/St. Petersburg/Clearwater markets was replaced at CCN's expense with Motorola PassPort systems. That PassPort system was a 14 site system, stretching from Tampa Bay across central Florida to the Atlantic Coast.
15. Mobex entered a lease agreement with Pinnacle Wireless to lease channels to Pinnacle for construction of a Motorola PassPort system covering almost all of New Jersey; this system is still used today by the New Jersey Turnpike and Garden State Parkway public safety officials and road crews. Again, the LTR format systems in place were replaced with the more modern PassPort format.
16. Prior to its sale to MCLM, Warren Havens continually opposed Mobex for several years; he claimed that Mobex had not constructed licenses, Mobex lacked character, etc. . In 2004, Mobex attempted to sell its licenses to Clarity Partners, a major venture capital fund that sought to invest \$25 Million into deployment of PassPort systems on the Mobex spectrum. The FCC approved the sale in December 2004. However, because of Havens' opposition to this transaction, the FCC did not approve the sale for over ten months, by which time Clarity Partners had moved on to other projects, and so that transaction was lost, along with the opportunity to build a very large, near nationwide network in 2004.

17. Similarly, when Mobex filed its assignment application to MCLM around June 2005, Mr. Havens made the same complaints about non-construction by Mobex, lack of character, etc. The FCC again rejected Havens' complaints, finding that in fact Mobex was operating and had timely built its systems, and that this issue had been determined previously.
18. It is beyond question that WRV374 was timely built by Mobex's subsidiary Regionet and operated properly by Mobex during its ownership of the licenses. This view is, I believe, validated by the fact that Nextel was a part owner, and Nextel was a very professional organization. In addition, Mr. Reardon and I regularly reported to the Board on our revenues and our cash needs to continue to operate the incumbent sites around the nation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 5, 2011

  
\_\_\_\_\_  
David Predmore